

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1347 be amended to read as follows:

- 1 Page 28, between lines 37 and 38, begin a new paragraph and insert:
2 "SECTION 19. IC 6-2.5-1-5, AS AMENDED BY P.L.257-2003,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b),
5 "gross retail income" means the total gross receipts, of any kind or
6 character, received in a retail transaction, including cash, credit,
7 property, and services, for which tangible personal property is sold,
8 leased, or rented, valued in money, whether received in money or
9 otherwise, without any deduction for:
10 (1) the seller's cost of the property sold;
11 (2) the cost of materials used, labor or service cost, interest,
12 losses, all costs of transportation to the seller, all taxes imposed on
13 the seller, and any other expense of the seller;
14 (3) charges by the seller for any services necessary to complete
15 the sale, other than delivery and installation charges;
16 (4) delivery charges, **except as provided in subsection (b);**
17 (5) installation charges, **except as provided in subsection (b);** or
18 (6) the value of exempt personal property given to the purchaser
19 where taxable and exempt personal property have been bundled
20 together and sold by the seller as a single product or piece of
21 merchandise.
22 (b) "Gross retail income" does not include that part of the gross
23 receipts attributable to:
24 (1) the value of any tangible personal property received in a like

1 kind exchange in the retail transaction, if the value of the property
 2 given in exchange is separately stated on the invoice, bill of sale,
 3 or similar document given to the purchaser;

4 (2) the receipts received in a retail transaction which constitute
 5 interest, finance charges, or insurance premiums on either a
 6 promissory note or an installment sales contract;

7 (3) discounts, including cash, terms, or coupons that are not
 8 reimbursed by a third party that are allowed by a seller and taken
 9 by a purchaser on a sale;

10 (4) interest, financing, and carrying charges from credit extended
 11 on the sale of personal property if the amount is separately stated
 12 on the invoice, bill of sale, or similar document given to the
 13 purchaser; ~~or~~

14 (5) any taxes legally imposed directly on the consumer that are
 15 separately stated on the invoice, bill of sale, or similar document
 16 given to the purchaser;

17 **(6) delivery charges that are separately stated on the invoice,**
 18 **bill of sale, or similar document given to the purchaser; or**

19 **(7) installation charges that are separately stated on the**
 20 **invoice, bill of sale, or similar document given to the**
 21 **purchaser.**

22 (c) A public utility's or a power subsidiary's gross retail income
 23 includes all gross retail income received by the public utility or power
 24 subsidiary, including any minimum charge, flat charge, membership fee,
 25 or any other form of charge or billing."

26 Renumber all SECTIONS consecutively.

(Reference is to HB 1347 as printed January 30, 2004.)

Representative Espich